

Issued: **February 8, 2017**

**EL DORADO COUNTY
COMMUNITY DEVELOPMENT AGENCY
ENVIRONMENTAL MANAGEMENT DIVISION**

IN RE: Lake Tahoe Inn
Water System No.- 0900586

ATTN: WBW Property Holdings Corp
14750 NW 77th Ct. Ste 100
Miami Lakes, FL 33016

CITATION NO. 01_39_16C_002_0900586_22

**VIOLATION OF MAXIMUM CONTAMINANT LEVELS
FOR TOTAL COLIFORM BACTERIA**

TITLE 22, CALIFORNIA CODE OF REGULATIONS, SECTION i.e. 64426.1(b)(2)

ISSUED ON February 8, 2017

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for failure to comply with a requirement of the California Safe Drinking Water Act, California Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270 (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The County of El Dorado Community Development Agency, Environmental Management Division (hereinafter "Division"), hereby issues a citation to the Lake Tahoe Inn, C/O WBW Property Holdings Corp (mailing address: 14750 NW 77th Ct,

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Ste 100, Miami Lakes, FL 33016) (hereinafter "Water System") for violation of Title 22 of the California Code of Regulations ("CCR"), Section i.e. 64426.1(b)(2).

APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

Title 22, California Code of Regulations, Section 64426.1(b)(2) provides in relevant part: (b) A public water system is in violation of the total coliform MCL when any of the

1 following occurs: (2) For a public water system which collects fewer than 40 samples
2 per month, more than one sample collected during any month is total coliform-positive.

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5 **STATEMENT OF FACTS**

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7 The Water System is operated under Water Supply Permit No. 0900586, issued on
8 March 1, 2013.

9 The Water System is a transient-noncommunity water system serving untreated
10 groundwater to the Lake Tahoe Inn. The Inn has two buildings that include
11 approximately 33 rooms and a manager's unit. The age and depth of the well are
12 unknown. The Inn currently is not in business for renting rooms as it has been
13 undergoing renovations. A manager was observed living at the motel in January and
14 thus Environmental Management required bacteriological testing to be completed.
15 The City of South Lake Tahoe Building Division was informed and subsequently
16 posted the facility uninhabitable on January 13, 2017 and again on January 20, 2017.

17
18 Title 22, CCR, Section 64423(a)(3) specifies that a transient-noncommunity water
19 system using groundwater and serving 1,000 or fewer persons a month shall collect a
20 minimum of one routine bacteriological sample in each calendar quarter during which
21 the system provides water to the public for analysis of total coliform content to
22 determine compliance with the maximum contaminant level (MCL) for total and fecal
23 coliform bacteria.

24
25 A routine sample collected on January 18, 2017 tested positive for total coliform
26 bacteria, and two out of four repeat samples collected on January 20, 2017 tested
27 positive for total coliform bacteria. One of the positive samples was at the well.
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Disinfection instructions were provided by Environmental Management on January 23, 2017. Public notification was not required since no one was supposed to be living at the Inn. The manager visited the Environmental Management office on January 26, 2017 and received instructions for chlorinating the well along with the form needed to complete a Level 1 assessment. The manager also informed Environmental Management that has was going to have Bruce MacKay Well Company clean and disinfect the well.

DETERMINATION

Based on the above, the Division has determined that the Water System violated Title 22 CCR Section 64426.1(b)(2) which specifies that a public water system is in violation of the total coliform MCL if more than one sample collected during any month is total coliform-positive. The results of the sample analysis for the Water System indicated that more than one sample collected during the month of January 2017 was total coliform positive.

DIRECTIVES

The Water System is hereby directed to take the following actions:

1. Comply with Title 22 CCR Section 64426.1 in all future monitoring periods.
2. Within thirty (30) days of the issuance of this Citation, notify all persons served by the Water System of the total coliform MCL violation in conformance with Title 22 CCR Sections 64426.1(c) and 64463.4. *Note: public notification was not required due to the fact that only the manager occupied the Inn and was not supposed to be living at the Inn.*
3. In accordance with Title 22 CCR Section 64426(b)(2) and the Federal Revised Total Coliform Rule, conduct and submit a Level 1 assessment (Attachment A) by February 21, 2017.

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4. Before re-opening the Lake Tahoe Inn for business, submit a minimum of two **repeat** water samples (one from the well and one from the manager's kitchen) that show an absence of bacteria.
5. In the month where the Lake Tahoe Inn resumes operations, taken five (5) **routine** water samples for bacteriological analysis, in accordance with Title 22 CCR Section 64424(d).
6. Within thirty (30) days of receipt of this Citation, the Water System shall submit a written response to the Division indicating its willingness to comply with directives of this Citation.

The Division reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation, and shall be deemed effective upon issuance.

Nothing in this Citation relieves Water System of its obligation to meet the requirements of the California SDWA, or of any regulation, permit, standard, or order issued or adopted thereunder.

All submittals required by this Citation shall be submitted to the Division at the following address:

Jeffrey Warren, REHS
Environmental Management Programs Manager
El Dorado County
Community Development Agency
Environmental Management Division
2850 Fairlane Court, Bldg C
Placerville, CA 95667
(530) 621-7628

PARTIES BOUND

This Citation shall apply to and be binding upon the Lake Tahoe Inn, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

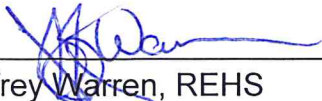
The directives of this Citation are severable, and the Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Division; and to petition the Superior Court to take various enforcement measures against a public water system that has failed to comply with or violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

Date

2/8/17


Jeffrey Warren, REHS
Environmental Management Programs
Manager
El Dorado County
Community Development Agency
Environmental Management Division

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Attachments:

A. Level 1 Assessment Form

cc: Ali R. Rezvani, P.E.
Sacramento District Engineer
Division of Drinking Water
State Water Resources Control Board